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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

April 3, 1995

VIA HAND DELIVERY

Mr. William F. Caton
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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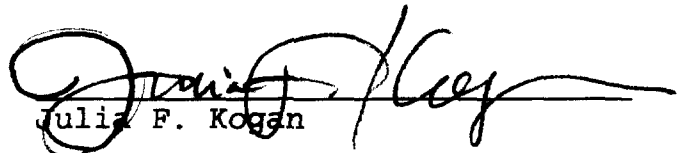
RE: PP Docket No. 93-253

Dear Mr. Caton:

GO Communications Corporation hereby submits the attached Comments in response to the Public Notice, DA 95-651, seeking comment on the Telephone Electronics Corporation (TEC) request for waiver of Section 24.709(a)(1) of the Commission's rules.

Please accept these Comments for filing with the Commission and return a date-stamped copy with our messenger. Thank you.

Sincerely,


Julia F. Kogan

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Section 309(j))
of the Communications Act --)
Competitive Bidding)

PP Docket No. 93-253

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TO: The Commission

**GO COMMUNICATIONS CORPORATION COMMENTS
ON TELEPHONE ELECTRONICS CORPORATION
PETITION FOR LIMITED WAIVER**

GO Communications Corporation ("GO"), by its attorneys, hereby submits its comments in support of expeditious grant of the Telephone Electronics Corporation ("TEC") emergency petition for limited waiver of the Federal Communication Commission ("FCC") Rules governing eligibility for broadband Personal Communications Service ("PCS") licenses ("TEC Petition").

The results of the A and B block PCS auctions demonstrate the public interest in a waiver of the rules. The vast majority of licenses in those auctions were won by a few extremely large and well-financed corporations, comprised of major cable and telephone companies including AT&T Wireless PCS, Inc.^{1/} This result contravenes the Congressional

^{1/} The biggest winner, WirelessCo., L.P., which placed high bids in 29 markets, is a partnership among Sprint, Tele-Communications, Inc., Cox Cable, and Comcast Telephony. See News Release, rel. March 13, 1995 (announcing conclusion of A and B block auctions); News Release, PCS Auction Update: FCC Receives Full \$1.4 Billion Deposit, rel. March 21, 1995, at 2 (listing auction winners). AT&T Wireless PCS, Inc., which now holds the extensive cellular systems accumulated by wireless giant McCaw Communications, Inc., was a close second, winning 21 licenses. *Id.* The winner of the third largest accumulation of licenses was PCS PRIMECO, L.P., a limited partnership comprised of AirTouch Communications, Inc., Bell Atlantic Personal Communications, Inc., NYNEX PCS, Inc. and U S WEST, Inc.

mandate that the Commission avoid excessive concentration of licenses and grant licenses to a wide variety of applicants.^{2/} Grant of TEC's waiver request will promote these objectives, augmenting the potential for licensing of a varied field of competitors, including those most likely to provide service to rural areas.

Grant of the TEC waiver request, and any similar request that may be filed by a similarly situated company,^{3/} is manifestly in the public interest, because PCS will be brought to rural service areas expeditiously, ensuring rapid deployment of these new communications technologies throughout the country.^{4/} Further, the public has an interest in prompt conclusion of this controversy, in order to expedite the auctions that will ensure that all designated entities ("DEs") have the opportunity to participate in provision of PCS. GO and all other potential C block applicants have been severely harmed by the stay of this auction. Additional delay of the auction would critically impair the investment potential and threaten the viability of all C block applicants. We cannot over-emphasize the need to move fast on TEC's request. The recent litigation and incident stay of the C block auction have set back the Commission's auction timetable and the expectations of every party that intends to apply for C block licenses. Every day of delay is creating an impossible competitive disadvantage for DEs, and rapid conclusion of this controversy is necessary to put the brakes on the headstart that A and B block licensees have already been given.

In order that this matter may be resolved promptly and the judicial stay of the C Block auction lifted, GO supports expeditious grant of TEC's waiver request. To avoid accrual of an impermissible competitive advantage to A and B block licensees, the Commission must grant the instant request, resolve the TEC litigation before the U.S. Court

2/ See 47 U.S.C. § 309(j)(3)(B) (the Commission shall seek to "avoi[d] excessive concentration of licenses and . . . disseminat[e] licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women).

3/ See, e.g., Motion of Consolidated Communications Inc. ("CCI") for Enlargement of Time Within Which to File Motion for Leave to Intervene, Telephone Electronics Corporation v. F.C.C., No. 95-1015 (D.C. Cir. filed March 29, 1995).

4/ See 47 U.S.C. § 309(j)(3)(A) ("the Commission shall . . . seek to promote . . . the development and rapid deployment of new . . . services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays").

of Appeals for the D.C. Circuit, persuade the investment community that this matter is the last bump in the road, and immediately issue a Public Notice announcing the start of the C Block auction no later than 75 days from the date of the Public Notice.

Respectfully submitted,

GO Communications Corporation,
By its Attorneys,



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April 3, 1995

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CERTIFICATE OF SERVICE

I, Bridget Y. Monroe, a secretary with the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that on this 3rd day of April, 1995, a copy of "GO Communications Comments on Telephone Electronics Corporation Petition for Limited Waiver" was hand-delivered to the following persons:

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